

14.10.2026
Item No.6 (DL)
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 29973 of 2026

**Probhat Bauri
-Vs-
The State of West Bengal & Ors.**

Mr. Sk. Md. Galib,
Mr. Pallav Chatterjee,
Mr. Monajit Chakraorti,
Mr. Apurba Kolya.
...for the petitioner.

Mr. Amit Chakraborty, Ld. A.G.P.,
Mr. Falguni Bandyopadhyay, Ld. Sr. Adv.,
Ms. Sarda Sha.
...for the State.

Mr. Sanjay Saha,
Mr. Raju Mondal.
...for the respondent no.3.

1. The affidavit of service as filed today by the learned Advocate for the petitioner is taken on record.

2. The writ petitioner, the respondent State and the respondent West Bengal Mineral Development Trading Corporation ('Corporation' in short) are represented by their respective Counsel. On behalf of the respondents State a report dated 13.10.2026 as submitted by the respondent no.7 authorities is filed which is taken on record.

3. By filing the instant writ petition, the writ petitioner prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent nos.6, 7 and 3 authorities commanding them to open

the Portal of Challan for allowing the writ petitioner to dispose of the sand as stocked by him during monsoon period.

4. At the time of hearing, Mr. Galib, learned Advocate appearing on behalf of writ petitioner draws attention of this Court to page no.84 of the instant writ petition being a copy of the order dated 15.05.2026 as issued by the respondent no.7 authorities. It is submitted by Mr. Galib that by the said order dated 15.05.2026 the respondent no.7 authority permitted the writ petitioner to stock sand as has been extracted from the river bed with effect from 15.05.2026 to 31.03.2027.

5. Drawing attention to page 86 of the instant writ petition being a copy of the Memo date 17.08.2026 it is further submitted by Mr. Galib that on account of alleged excess stock of sand as made by the writ petitioner, the writ petitioner was penalized with a fine amount of Rs.8,02,08,750/- @ Rs.625 per cubic meter for 1,28,334 per cubic meter. It is submitted by Mr. Galib that on perusal of pages 87 and 88 of the instant writ petition it would reveal that the writ petitioner has deposited Rs.2,00,52,188/- towards 1/4th of the said amount of fine and thus requested the respondent no.7 authority to open the Portal. However, the same was not adhered to.

6. *Per contra*, Mr. Chakraborty, learned Advocate appearing on behalf of the respondent State and Mr. Saha, learned Advocate duly assisted by Mr. Mondal, learned Advocate appearing on behalf of the Corporation draw attention of this Court to the report dated 13.10.2026 as submitted before this Court. It is submitted conjointly that from the said report it would reveal that the respondent no.7 authority permitted the writ petitioner to pay the aforementioned fine amount in four equal installments and on payment of the first installment to the tune of Rs.2,00,52,188/-, the respondent no.7 authority directed the respondent no.3 authority to open the Portal for the proportionate amount of sand which the petitioner already paid to the authority and such communication was made by the respondent no.7 authority to the respondent no.3 authority by a Memo dated 25.09.2026.

7. In view of such, this Court finds that with the issuance of the Memo dated 25.09.2026 a copy of which has been annexed with the instant report, the writ petitioner's grievance is adequately redressed by the respondent authorities.

8. With the aforementioned observation, the instant writ petition is disposed of.

9. Before parting with it is further directed that in the event the writ petitioner deposits the fine amount on installment basis, the respondent nos.7

and 3 authorities will be obliged to issue proportionate Challan on the basis of the payment as made by the writ petitioner on installments.

10. Liberty is given to the learned Advocate-on-record for the petitioner to communicate the server copy of this order to the respondent nos. 7 and 3 authorities who are directed to act on the server copy of this order.

11. There shall be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Partha Sarathi Sen, J.)